REMARKS

This is in response to the Office Action dated November 27, 2007.

In the apparatus of amended claim 1, first selecting means (SW2) receives first AV data and second AV data, and operates to select one from the first AV data and the second AV data. The first AV data results from encoding original data in a first encoding procedure. The second AV data results from encoding the original data in a second encoding procedure different from the first encoding procedure. Fixed-pattern data generating means (112c) operates to generate third AV data representative of either a first fixed pattern or a second fixed pattern. The first fixed pattern corresponds to the first encoding procedure. The second fixed pattern corresponds to the second encoding procedure.

In the apparatus of amended claim 1, second selecting means (SW3) selects one from the AV data selected by the first selecting means (SW2) and the third AV data generated by the fixed-pattern data generating means (112c). Outputting means (112d, 112e) operates to output the AV data selected by the second selecting means (SW3). Output data type designating means (110b) operates to designate a type of encoding about the AV data outputted by the outputting means (112d, 112e) among different types corresponding to the first and second encoding procedures respectively. Deciding means (111) operates to decide whether or not the encoding procedure related to the AV data selected by the first selecting means (SW2) corresponds to the encoding type designated by the output data type designating means (110b).

In the apparatus of amended claim 1, controlling means (111) controls the second selecting means (SW3) to select the AV data selected by the first selecting means (SW2)

when the deciding means (111) decides that the encoding procedure related to the AV data selected by the first selecting means (SW2) corresponds to the encoding type designated by the output data type designating means (110b). The controlling means (111) operates to control the second selecting means (SW3) to select the third AV data generated by the fixed-pattern data generating means (112c) and being representative of one of the first and second fixed patterns which corresponds to the encoding type designated by the output data type designating means (110b) hen the deciding means (111) decides that the encoding procedure related to the AV data selected by the first selecting means (SW2) does not correspond to the encoding type designated by the output data type designating means (110b).

The Examiner has rejected claims 1, 4, and 7 as being anticipated by Tsutsui (US 6,049,517).

The Examiner alleges that the first selecting means in claim 1 is disclosed in Tsutsui (Fig. 13, S102; Col 25 Ln 42-Col 26 Ln15). As disclosed in Col 25 Ln42-43 in Tsutsui, Fig. 13 is a flowchart showing the processing flow of the system controller 57. Thus, it appears that the Examiner thinks the system controller 57 corresponds to the first selecting means in claim 1. As disclosed in Col 25 Ln 42-Col 26 Ln15 in Tsutsui, the system controller 57 reads out the management data at the step S101, and checks at the step S102 whether the signals are recorded in accordance with the A-codec or the B-codec. When the signals are judged to be in accordance with the B-codec, the system controller 57 transfers to the recording mode by the B-codec at the step S103. Then, the system controller 57 updates the management data at the step S104, and generates the message signal that has been encoded in accordance with the A-codec. At the step S107, the updated management data is recorded on the disc. On the other hand, when the signals are judged to be in accordance

with the A-codec, the system controller 57 transfers to the recording mode by the A-codec at the step S108. Then, at the step S109, the system controller 57 updates the management data. At the step S110, the updated management data is recorded on the disc.

In amended claim 1, the first selecting means receives first AV data and second AV data. Since the management data is generally exclusive of AV information, the read-out of the management data at the step S101 in Tsutsui significantly differs from the fact that the claimed first selecting means receives first AV data and second AV data. Further, the transfer of the system controller 57 to the recording mode by the A-codec or that by the B-codec in Tsutsui significantly differs from the fact that the claimed first selecting means (SW2) receives first AV data and second AV data. In addition, the generation of the message signal in Tsutsui completely differs from the fact that he irst selecting means (SW2) receives firt AV data and second AV data. Furthermore, Fig. 4 in Tsutsui does not show that the system controller 57 receives first AV data and second AV data. Accordingly, it is submitted that the first selecting means (SW2) in amended claim 1 is different from and distinguishes over the system controller 57 in Tsutsui.

The Examiner alleges that the fixed-pattern data generating means in claim 1 is disclosed in Tsutsui, Col 2 Ln 66-Col 3 Ln7. The fixed-pattern data generating means in amended claim 1 operates to generate third AV data representative of either a first fixed pattern or a second fixed pattern. The first fixed pattern corresponds to the first encoding procedure while the second fixed pattern corresponds to the second encoding procedure. As disclosed in Col 2 Ln 66-Col 3 Ln7 in Tsutsui, the bits are divided into a fixed pattern allocation fixed for each band or each small block and a bit allocation portion dependent on the amplitude of the signal in each block. This suggests that the fixed pattern allocation varies

from band to band or from block to block. Furthermore, the ratio of the above division depends on a signal related to the input signal. Therefore, the fixed pattern allocation in Tsutsui depends on a signal related to the input signal, and is thus variable rather than fixed. Furthermore, the fixed pattern allocation does not represent a first fixed pattern for the A-codec or a second fixed pattern for the B-codec. Accordingly, Tsutsui does not disclose the fixed-pattern data generating means recited in amended claim 1.

Examiner alleges that the second selecting means and the outputting means in claim 1 are disclosed in Tsutsui. The second selecting means in amended claim 1 operates to select one from the AV data selected by the first selecting means and the third AV data generated by the fixed-pattern data generating means. The outputting means in amended claim 1 operates to output the AV data selected by the second selecting means. Thus, in amended claim 1, the second selecting means is associated with the first selecting means and the fixed-pattern data generating means which are not disclosed in Tsutsui. In amended claim 1, the outputting means is associated with the second selecting means. Accordingly, Tsutsui does not disclose the second selecting means and the outputting means recited in amended claim 1.

The Examiner alleges that the deciding means in claim 1 is disclosed in Tsutsui (Fig. 4, 57 and Fig. 15, S203 and S204; Col 17 Ln 24-50). It appears that the Examiner thinks the system controller 57 in Tsutsui corresponds to the deciding means in claim 1. The deciding means in amended claim 1 operates to decide whether or not the encoding procedure related to the AV data selected by the first selecting means corresponds to the encoding type designated by the output data type designating means. As disclosed in Col 26 Ln 16-64 in Tsutsui, the system controller 57 reads out the management data at the

step S201, and decides at the step S202 which of the values 0, 1, and 2 is assumed by the mode designating information in the management information. If the value 0 is assumed, the system controller 57 implements reproduction on the basis of the old standard at the step S203. If the value 1 is assumed, the system controller 57 implements reproduction on the basis of the new standard at the step S204. If the value 2 is assumed, the system controller 57 reproduces the audio signal data by the A-codec and the audio signal data by the B-codec in a sequence at the steps S205 and S206. It is submitted that these actions of the system controller 57 significantly differ from the operation of the deciding means in amended claim 1 which decides whether or not the encoding procedure related to the AV data selected by the first selecting means corresponds to the encoding type designated by the output data type designating means. The Examiner further refers to Col 17 Ln 24-50 in Tsutsui. But that portion of Tsutsui discloses that the ROM 80 stores message signals encoded by the A-codec, and the system controller 57 reads out the massage signals from the ROM 80 before writing them on the disc 1 via the RAM 64. The message signals are recorded along with the audio signal data encoded by the A-codec and the audio signal data encoded by the B-codec. Thus, it is submitted that Col 17 Ln 24-50 in Tsutsui does not teach the deciding means of amended claim 1. Accordingly, Tsutsui does not disclose the deciding means recited in amended claim 1.

The Examiner alleges that the controlling means in claim 1 is disclosed in Tsutsui (Fig. 4, 57, Col 17 Ln 24-50). It appears that the Examiner thinks the system controller 57 in Tsutsui corresponds to the controlling means in claim 1. The controlling means in amended claim 1 operates to control the second selecting means to select the AV data selected by the first selecting means when the deciding means decides that the encoding procedure related to the AV data selected by the first selecting means corresponds to the

encoding type designated by the output data type designating means, and to control the second selecting means to select the third AV data generated by the fixed-pattern data generating means and being representative of one of the first and second fixed patterns which corresponds to the encoding type designated by the output data type designating means when the deciding means decides that the encoding procedure related to the AV data selected by the first selecting means does not correspond to the encoding type designated by the output data type designating means. The Examiner refers to Col 17 Ln 24-50 in Tsutsui, which discloses that the ROM 80 stores message signals encoded by the A-codec, and the system controller 57 reads out the massage signals from the ROM 80 before writing them on the disc 1 via the RAM 64. The message signals are recorded along with the audio signal data encoded by the A-codec and the audio signal data encoded by the B-codec. It is submitted that Col 17 Ln 24-50 in Tsutsui does not teach the controlling means in amended claim 1. Accordingly, Tsutsui does not disclose the controlling means in amended claim 1.

As explained above, Tsutsui discloses none of the first selecting means, the fixed-pattern data generating means, the second selecting means, the outputting means, the deciding means, and the controlling means in amended claim 1. Therefore, it is respectfully submitted that amended claim 1 clearly is not anticipated by Tsutsui.

Claim 4 depends from amended claim 1. Therefore, claim 4 likewise is not anticipated by Tsutsui.

Amended claim 7 is similar in subject matter to amended claim 1 except for the recitation relating to the operation of the fixed-pattern data generating means. Therefore, it is submitted that amended claim 7 is not anticipated by Tsutsui.

The Examiner rejects claims 2, 3, 5, 6, and 8-10 for being obvious over Tsutsui (US 6,049,517) in view of Tateyama (US 6,018,816).

It is respectfully submitted that Tateyama teaches none of the first selecting means, the fixed-pattern data generating means, the second selecting means, the outputting means, the deciding means, and the controlling means in amended claim 1. As explained above, Tsutsui teaches none of the first selecting means, the fixed-pattern data generating means, the second selecting means, the outputting means, the deciding means, and the controlling means in amended claim 1. Therefore, it is respectfully submitted that claims 2, 3, 5, and 6, which depend either directly or indirectly from amended claim 1, are patentable over Tsutsui and Tateyama.

Amended claims 8 and 9 have limitations similar to those discussed above relating to amended claim 1 which are neither taught nor suggested by Tsutsui and Tateyama. Therefore, it is respectfully submitted that amended claims 8 and 9 are patentable over Tsutsui and Tateyama.

Claim 10 depends from amended claim 9. Therefore, amended claim 10 is likewise patentable over Tsutsui and Tateyama.

In view of the foregoing, the examiner is respectfully requested to reconsider the application and pass the same to issue at an early date.

Respectfully submitted,

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